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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,872	07/10/2003	Rickey J. Thomas	0275Y-000703	1565

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EXAMINER

BLAKE, CAROLYN T

ART UNIT PAPER NUMBER

3724

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,872

Applicant(s)

THOMAS ET AL.

Examiner

Carolyn T. Blake

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 23 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on January 17, 2006.
2. The objection to the specification is withdrawn in view of the amendment.
3. The text of those sections in Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Izzi, Sr. (4,630,368).

Regarding claim 1, Izzi discloses a hand saw as claimed, comprising: a handle (17, 20) including a hand grip portion (17) and first (24) and second (23) blade mounting portions, said first blade mounting portion (24) being disposed on a side surface of said handle and said second blade mounting portion (23) being disposed on a bottom surface of said handle; and a blade (15) adapted to be removably mounted to either of said first (24) and second (23) blade mounting portions; wherein said handle is a single, integrally formed member. Although Izzi, Sr. does not explicitly disclose surface 24 as a blade mounting portion, the fasteners (21) extend beyond the surface a distance greater than the blade thickness as seen in FIGS 1 and 2, and thus are capable of supporting both the handgrip portion (17) and the blade (15). When assembled together, the Izzi handle is a single integral unit, and thus anticipates the claim limitation, "wherein said handle is a single, integrally formed member."

Claim Rejections - 35 USC § 103

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izzi, Sr. as applied to claim 1 above, and further in view of Applicant's Admitted Prior Art (hereinafter, AAPA). The examiner's statement of Official notice in the last Office action was not traversed by Applicant, and thus the common knowledge is taken to be admitted prior art. See MPEP 2144.03.

Izzi, Sr. fails to disclose a screw boss as claimed. However, AAPA discloses it is old and well known in the art to use a boss while attaching two parts in order to guide a fastener. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a boss with the Izzi, Sr. device for the purpose of guiding the fastener.

Furthermore, Izzi, Sr. discloses the blade mounting portions (23, 24) include a hole (30) and fastener (21), but fails to disclose the fastener is a screw. However, AAPA discloses it old and well known in the art to replace a bolt with a screw for a variety of reasons including desired strength of connection, available fasteners, or available tooling. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the bolts of the Izzi, Sr. device with screws.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izzi, Sr. as applied to claim 1 above, and further in view of Gunnerson (2,782,821).

Izzi, Sr. fails to disclose a hook member on the handle. However, Gunnerson discloses a hand saw with a handle (15) including a hook portion (see bottom portion)

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for hanging said saw. The open structure of the Gunnerson handle would allow for a larger hand to comfortably grasp the handle grip than the closed structure of the Izzi, Sr. handle grip. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the closed handle grip of the Izzi, Sr. device (still retaining the portion that couples to the blade mounting portions) with an open handle grip with a hook member, as disclosed by Gunnerson, for the purpose of accommodating larger hands.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izzi, Sr. in view of Coleman as applied to claim 3 above, and further in view of Gunnerson.

The Izzi-Coleman combination fails to disclose a hook member on the handle. However, Gunnerson discloses a hand saw with a handle (15) including a hook portion (see bottom portion) for hanging said saw. The open structure of the Gunnerson handle would allow for a larger hand to comfortably grasp the handle grip than the closed structure of the Izzi, Sr. handle grip. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the closed handle grip of the Izzi, Sr. device (still retaining the portion that couples to the blade mounting portions) with an open handle grip with a hook member, as disclosed by Gunnerson, for the purpose of accommodating larger hands.

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Izzi, Sr. as applied to claim 1 above, and further in view of Applicant's Admitted Prior Art (hereinafter, AAPA). The examiner's statement of Official notice in the last

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Office action was not traversed by Applicant, and thus the common knowledge is taken to be admitted prior art. See MPEP 2144.03.

Izzi, Sr. discloses the blade mounting portions (23, 24) include a hole (30) and fastener (21), but fail to disclose the hole is threaded or the fastener is a screw. However, AAPA discloses is it old and well known in the art to replace a bolt and hole with a screw and threaded hole for a variety of reasons including desired strength of connection, available fasteners, or available tooling. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the bolts and holes of the Izzi, Sr. device with screws and threaded holes.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izzi, Sr. as applied to claim 11 above, and further in view of Gunnerson.

Izzi, Sr. fails to disclose a hook member on the handle. However, Gunnerson discloses a hand saw with a handle (15) including a hook portion (see bottom portion) for hanging said saw. The open structure of the Gunnerson handle would allow for a larger hand to comfortably grasp the handle grip than the closed structure of the Izzi, Sr. handle grip. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the closed handle grip of the Izzi, Sr. device (still retaining the portion that couples to the blade mounting portions) with an open handle grip with a hook member, as disclosed by Gunnerson, for the purpose of accommodating larger hands.

Allowable Subject Matter

10. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claim 23 is allowed.

Response to Arguments

12. Applicant's arguments with respect to claims 1, 2, 5, 6, and 10-12 have been considered but are moot in view of the new ground(s) of rejection.

The limitation "wherein said handle is a single, integrally formed member" does not limit the claim to include only the type of handle disclosed by Applicant. Rather, any number of components can be considered a "single, integrally formed member" if the components are assembled and connected together.

In response to applicant's argument that there is no suggestion to combine the references of Izzi, Sr. and Gunnerson, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, providing an alternative handle grip portion, such as the one disclosed by Gunnerson, would have been obvious to one of ordinary skill in the art at the time the invention was

made for a variety of reasons, such as accommodating a larger hand. The Gunnerson handle grip with hook would be capable of hanging as claimed.

13. Applicant's arguments, see especially pages 8 and 9, filed January 17, 2006, with respect to claims 3, 4, and 23 have been fully considered and are persuasive. The rejection of claims 3 and 4 has been withdrawn. The examiner agrees it would not have been obvious to include a key adapted to receive an end slot with the second blade-mounting portion.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB

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March 24, 2006



Allan N. Shoap
Supervisory Patent Examiner
Group 3700